

PROB 12B
(7/93)

United States District Court

for

District of New Jersey

Request for Modifying the Conditions or Term of Supervision with Consent of the Offender

(Probation Form 49, Waiver of Hearing is Attached)

Name of Offender: James Vitale

Cr.: 09-00522-001

ACTS Number: 42210

Name of Sentencing Judicial Officer: Honorable Shelby Highsmith
United States District Judge
(Southern District of Florida)

Name of Newly Assigned Judicial Officer: Honorable Freda L. Wolfson
United States District Judge
(Jurisdiction was transferred on July 10, 2009)

Date of Original Sentence: 04/25/06

Original Offense: Conspiracy to Commit Mail Fraud

Original Sentence: Imprisonment - 15 months; Supervised Release - 3 years; Special Assessment - \$100;
Restitution - \$828,042.40

Type of Supervision: Supervised Release

Date Supervision Commenced: 03/07/08

PETITIONING THE COURT

To extend the term of supervision for _____ Years, for a total term of _____ Years.
 To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.

CAUSE

Mr. Vitale, age 42, was recently diagnosed with an ongoing medical condition that requires surgery to have both shoulders replaced. As a result of this unexpected medical diagnosis and subsequent physical limitation, the offender is extremely depressed and experiencing chronic anxiety. Mr. Vitale has a history of mental health issues, as well as a history of substance abuse, including more than one drug overdose.

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As such, the undersigned officer recommends that the offender be provided with an opportunity to receive continued outpatient mental health treatment to address ongoing issues relative to his declining physical health.

Respectfully submitted,

Denise E. Valletto-Haywood
By: Denise E. Valletto-Haywood
U.S. Probation Officer
Date: 08/21/09

THE COURT ORDERS:

The Modification of Conditions as Noted Above
 The Extension of Supervision as Noted Above
 No Action
 Other

J. L. Haywood
Signature of Judicial Officer

8/26/09
Date

PROB 49
(3/89)

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW JERSEY

**Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision**

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel,' I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

To modify the conditions of supervision as follows. The addition of the following special condition(s):

The defendant shall participate in a mental health program for evaluation and/or treatment as directed by the U.S. Probation Office. The defendant shall remain in treatment until satisfactorily discharged and with the approval of the U.S. Probation Office.

Witness: Denise E. Valletto-Haywood
U.S. Probation Officer
Denise E. Valletto-Haywood

Signed: James Vitale
Probationer or Supervised Releasee
James Vitale

7-29-09

DATE